

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD.,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN)  
CO. LTD., et al.,

Defendants.

Case No. [17-cv-05517-EMC](#)

**ORDER RE PLAINTIFF'S  
SUPPLEMENTAL DEPOSITION  
DESIGNATIONS**

Docket No. 572

The Court has reviewed the deposition designations provided by SinCo regarding its witness, Guanglei Zhang. The Court hereby excludes all testimony from Dr. Zhang based on the totality of the circumstances described below.

First, SinCo has not produced all documents that Dr. Zhang relied on during his deposition to refresh his recollection. In his deposition, Dr. Zhang admitted that he was reviewing some documents during his testimony. He referred to, *e.g.*, “business records for my work,” “a chain of documents list,” and “my working memos for my daily professional work between me and my client.” Zhang Depo. at 171. Defendants asked SinCo to provide the documents Dr. Zhang used to refresh his recollection, *see* Fed. R. Evid. 612(b) (providing that, when a witness uses a writing to refresh memory, the “adverse party is entitled to have the writing produced”), but all that SinCo provided was public records already in the record. *See* Docket No. 572 (Br. at 2). In failing to provide the documents described by Dr. Zhang, SinCo violated Federal Rule of Evidence 612.

Second, Dr. Zhang was not responsive to all questions posed to him regarding SinCo’s payment of his legal fees. *See* Zhang Depo. at 3.

Third, SinCo has made numerous designations that are contrary to the Court’s ruling on

Defendants' MIL No. 2. *See* Docket No. 503 (Order at 9) (stating that Dr. Zhang could testify about "facts within this personal knowledge – *e.g.*, that the Design Contract was submitted during the trademark proceedings" but could not make any "lawyer arguments" in testifying about the Design Contract"). Repeatedly, SinCo has relied on testimony where Dr. Zhang is essentially testifying as a legal expert. *See, e.g.*, Zhang Depo. at 59 (testifying that SinCo "never authorized XingKe DG to register the marks in China, because it's a very formal proceeding for trademark application"); Zhang Depo. at 64 (testifying about Chinese government requirements with respect to a declaration filed by SinCo as shareholder of XingKe in support of a name change for the latter company); Zhang Depo. at 92-93 (testifying that XingKe and/or Jinlong engaged in illegal or shady conduct); Zhang Depo. at 100-01 (testifying as to whether SinCo abandoned its mark); Zhang Depo. at 105 (testifying about contract law in China); Zhang Depo. at 125-26 (testifying whether SinCo transferred IP rights to XingKe); Zhang Depo at 127 (testifying regarding the same); Zhang Depo. at 128 (testifying whether a transaction gave Mr. Tjoa any rights); Zhang Depo. at 134-35 (testifying whether SinCo transferred IP rights to XingKe or Jinlong); Zhang Depo. at 156 (testifying about the implications of a term in a purchase order).


Fourth, Dr. Zhang provided testimony on matters that the Court expressly held are not to be admitted (*i.e.*, regarding Mr. Tjoa's "bad acts"). *See* Docket No. 503 (Order at 10); Zhang Depo. at 159-61, 164-65.

Cumulatively, SinCo has made designations that are in bad faith given clear law and/or clear rulings by the Court.

Accordingly, the testimony of Dr. Zhang is hereby excluded in its entirety.

**IT IS SO ORDERED.**

Dated: November 1, 2021

  
 EDWARD M. CHEN  
 United States District Judge